



## **ADMINISTRATIVE PROCEDURES**

### **Manual of Policies and Procedures**

#### **Title**

### **THE USE AND OPERATION OF PROTECTIVE CUSTODY**

Legal References (includes but is not limited to)	Related Policies/Procedures (includes but is not limited to)	Other References (includes but is not limited to)
IC 11-8-2-5(a)(8) IC 11-10-1-7 IC 11-11-6-1	01-01-101    02-01-102 01-02-101    02-01-104 01-03-105    02-01-105 01-04-101    02-01-108 02-01-101	ACA: ACI: 3-4128-2, 3-4237 – 3-4239, 3-4241, 3-4142, 3-4244 – 3-4259, 3-4261, 3-4268 JTS: 3E-01, 3E-02, 3E-03 CO: 2-CO-3C-01  NCCHC: P-45

#### **I. DEFINITIONS:**

For the purpose of these administrative procedures, the following definitions are presented:

- A. Protective custody: A form of physical separation from the general offender population for offenders requesting or requiring protection from other offenders.
- B. Segregation: The physical separation of an offender from the general offender population, generally in a unit designed to provide activities and functions in a controlled fashion.
- C. Verification: A review of available information or supporting documentation which either supports or does not support the need to separate or continue to separate an offender from general population (e.g. court documents, disciplinary hearing body results, investigative materials, or other written or verbal information).

#### **II. STANDARDS FOR ADMITTANCE TO A PROTECTIVE CUSTODY UNIT:**

An offender may be admitted to protective custody only when there is documentation that protective custody is warranted and that no other reasonable placement alternative is available. The goal of each case of protective custody is to resolve the reasons for protective custody as quickly as possible and to end the use of protective custody as soon as possible.

- A. An offender may request temporary assignment to a Protective Custody Unit by contacting any staff person who shall:

**ADMINISTRATIVE PROCEDURES**  
**Manual of Policies and Procedures**

Indiana Department of Correction

Number 02-01-107	Effective Date 11/01/03	Page 2	Total Pages 10
---------------------	----------------------------	-----------	-------------------

Title

**THE USE AND OPERATION OF PROTECTIVE CUSTODY**

1. Assist the offender in contacting the staff person designated by the Facility Head to review requests for protective custody.
  2. Assist the offender in obtaining and completing State Form 24308, REQUEST FOR PROTECTION.
  3. The designated staff person shall review State Form 24308 to ensure adequate information is available for staff to verify the potential need for protective custody and discuss possible resolutions with the offender.
- B. An offender may be temporarily assigned on an involuntary basis to protective custody by the Facility Head or designee for the following reasons:
1. Offender's safety;
  2. Facility security and order; or,
  3. In emergency situations.

An offender who is involuntarily assigned to protective custody shall be afforded all standards as provided in Policy 01-04-101, "Adult Offender Classification."

**III. ADMISSION TO A PROTECTIVE CUSTODY UNIT:**

- A. Admission of an offender to a protective custody unit shall be documented in the unit log. The following information shall be recorded on the unit log:
1. The offender's name;
  2. DOC number;
  3. Date and time admitted;
  4. Reason for admission;
  5. Tentative release date;
  6. Special medical/psychiatric problems/needs; and,
  7. Any other information pertinent to the admission.

**ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

**Manual of Policies and Procedures**

Number 02-01-107	Effective Date 11/01/03	Page 3	Total Pages 10
Title <b>THE USE AND OPERATION OF PROTECTIVE CUSTODY</b>			

- B. State Form 39588, SEGREGATION/CONFINEMENT REPORT, shall be completed at the time of admission.
- C. At the time of admission to a protective custody unit, the offender's personal property shall be inventoried. All items shall be listed and the disposition of these items recorded on State Form 40093, SEGREGATION UNIT INVENTORY LIST - PERSONAL PROPERTY.
- D. State Form 21255, OFFENDER SEGREGATION RECORD, shall be prepared for each offender. This form shall document all non-routine activities of the offender. Unit staff shall maintain State Form 21255 in a controlled and secure area of the protective custody unit. After an offender is released from the unit, the form(s) shall be forwarded to the offender's facility packet.

All routine activities in which an offender participates, such as the receipt of meals or showers, shall be recorded on the unit log. These routine activities should not be recorded on State Form 21255. The unit logs shall be maintained in accordance with an approved record retention schedule.

- E. Immediately upon admission to protective custody, staff shall notify the facility's Health Care Services staff. Upon notification, a qualified health care professional shall review the offender's health record to determine whether there are any known contra-indications to segregation. If deemed appropriate by Health Care staff, the offender may also be interviewed to determine if any special health issues might be impacted by admission to protective custody.

**IV. REVIEW PROCEDURES:**

Offenders placed in protective custody on an involuntary basis shall be reviewed within one (1) working day of the placement in protective custody. The Facility Head or designee shall conduct this review and shall prepare a written report indicating the continued need for protective custody.

If the decision is to place an offender in protective custody, either voluntarily or involuntarily, the facility shall conduct a Classification Committee Hearing within 72 hours of the offender's admission to the protective custody unit, excluding weekends and holidays, in accordance with Policy 01-04-101, "Adult Offender Classification."

The Classification Committee or other designated staff shall review offenders assigned to a protective custody unit every seven (7) days for the first two (2) months and, at least, every thirty (30) days thereafter. The reviews shall be conducted in accordance with Policy 01-04-101, "Adult Offender Classification."

**ADMINISTRATIVE PROCEDURES**  
**Manual of Policies and Procedures**

Indiana Department of Correction

Number	Effective Date	Page	Total Pages
02-01-107	11/01/03	4	10

Title

**THE USE AND OPERATION OF PROTECTIVE CUSTODY**

It shall not be necessary to hold a formal Classification Committee Hearing in order to complete this review. However, if the offender requests to be released from protective custody and reclassified, the 30-day review may be combined with a full Classification Committee Hearing.

**V. RELEASE FROM PROTECTIVE CUSTODY UNIT:**

An offender shall be released from protective custody whenever the Facility Head or designee determines that the need for separation no longer exists. The decision to release the offender may be based upon an investigation by the facility or upon a request from the offender. All releases from protective custody shall be made in accordance with the applicable Classification Policy.

- A. Based on the review, the Classification Committee may release an offender. The findings of the classification hearing shall indicate that the need for protective custody no longer exists.
- B. An offender who voluntarily entered protective custody may request, at any time, to be released from the unit. State Form 8063, REQUEST TO LEAVE SELF-LOCKUP, shall be used for this purpose. The Classification Committee or other designated staff shall review and approve such requests prior to removing the offender from protective custody.

**VI. CONDITIONS OF THE PROTECTIVE CUSTODY UNIT:**

- A. Offenders shall be afforded the same state-issued clothing and personal property as the general offender population consistent with procedures developed in Policy 02-01-101, "Offender Personal Property." The amount of clothing permitted may be reduced if space limitations require such reduction; however, the facility shall ensure that the offender is provided with sufficient clothing to afford at least one (1) clean set of clothing while another is being laundered. Operational procedures shall specify the amount of clothing that an offender may possess while in protective custody.
- B. The facility shall determine the limits placed on the possession of other personal property while in protective custody. The facility may limit the amounts and types of property based upon space limitations in the unit and the safety and security of the facility. Such limitations shall not be based upon punitive action. Operational procedures shall specify the types and amounts of property that shall be permitted.

**ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

**Manual of Policies and Procedures**

Number	Effective Date	Page	Total Pages
02-01-107	11/01/03	5	10

Title

**THE USE AND OPERATION OF PROTECTIVE CUSTODY**

- C. Each offender shall receive the same meal provided offenders in the general population. Based upon the security needs of the unit, substitutes may be permitted. Substitute food items shall be indicated on the protective custody unit log.
- D. Each offender shall retain the privilege of mail service as presented in Policy 02-01-103, "Offender Correspondence." The amount of correspondence that an offender may possess, at any one time, may be reduced due to the size of the living area.
- E. Each offender shall be allowed the same visitation privileges as offenders in the general population in accordance with Policy 02-01-102, "Offender Visitation", unless the offender abuses the visitation privilege. A facility may establish a separate visiting area for those offenders housed in protective custody. This visiting area may be a non-contact visit setting if the facility determines that such a setting is necessary for the safety and security of the facility and the persons involved. Operational procedures shall be developed which establish the manner and method of operation of the protective custody unit offender visitation program.
- F. Each offender shall be permitted access to the offender telephone system the same as offenders in the general population in accordance with Policy 02-01-105, "Telephone Privileges", unless the offender is found to be abusing this privilege. Operational procedures shall specify the manner in which offenders may make telephone calls.
- G. Each offender shall retain the right of access to legal materials in accordance with Policy 00-01-102, "Offender Access to the Courts." Each facility shall develop operational procedures to establish the manner and method to ensure this access. The facility may limit the amount of legal material that an offender may possess in the immediate living area. This limit shall be based upon the amount of space available to the offender and the safety of the facility. Excess legal materials may be stored in the facility's property room. If the facility stores an offender's excess legal materials, it shall ensure that the offender may have access to these materials within 24 hours of the offender's written request to have access.
- H. Each offender shall be offered the opportunity to participate in physical recreation outside the immediate living area (cell). Offenders shall be offered a minimum of one (1) hour of recreation, five (5) days per week. Based upon the security needs of the facility and the weather conditions, this recreation may be held outdoors or indoors.

**ADMINISTRATIVE PROCEDURES**  
**Manual of Policies and Procedures**

Indiana Department of Correction

Number	Effective Date	Page	Total Pages
02-01-107	11/01/03	6	10

Title

**THE USE AND OPERATION OF PROTECTIVE CUSTODY**

- I. Each offender shall be offered a sufficient period of time, at least three (3) times per week, to shower. This time shall not be counted against any other out-of-cell or bed area activity (e.g., recreation).
- J. Each offender shall be offered general personal services at the same frequency as provided other offenders. General personal services shall include, but are not limited to: clothing exchange, bedding and linen exchange and barbering services. Clothing, bedding and linens shall be laundered minimally one (1) time per week.
- K. Each offender shall have access to the facility commissary. The facility may develop a separate commissary list for offenders in protective custody which reduces the amount of items that an offender may purchase; however, these offenders shall continue to have the same access as the general population to over-the-counter medications and personal hygiene items. The development of a separate commissary list shall be in accordance with Policy 02-01-108, "The Establishment and Operation of Commissaries." If such a commissary list is developed, a copy of it shall be attached to these operational procedures and to the operational procedures for Policy 02-01-108.
- L. Each offender shall have reasonable access to reading materials. Offenders shall be provided access to reading materials through the facility library. Also, offenders may possess a limited number of personally-owned soft-cover books and a limited number of magazines and newspapers. Operational procedures shall be developed to ensure access to reading materials and shall establish any limits on the amount of personally-owned reading materials that the offender may possess.
- M. Programs and services shall be provided to offenders either in the living areas (cells) or on the unit, based upon the security needs of the facility. Programs and services shall include, but are not limited to: counseling, academic education, health care services, religious guidance, commissary, library and recreational programs.
- N. The facility Chaplain shall visit the unit regularly, at least once per week, to address the religious needs of offenders. Operational procedures shall be developed in accordance with the provisions of Policy 01-03-101, "The Development and Delivery of Religious Services," to ensure that the religious needs of the offenders on the unit are met.
- O. An appropriate sick call procedure shall be developed which requires medical personnel to evaluate and treat offenders for illness or injury. Requests for evaluation may be initiated by staff or offenders. Health Care

**ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

**Manual of Policies and Procedures**

Number	Effective Date	Page	Total Pages
02-01-107	11/01/03	7	10

Title

**THE USE AND OPERATION OF PROTECTIVE CUSTODY**

staff shall visit the protective custody unit daily and check on all offenders in the unit. A record shall be made in the unit log that the Health Care staff visited the unit and met with offenders. A record does not have to be made in the offender's health care record unless health care services are provided to an offender. All prescribed medications shall be dispensed by medical personnel.

- P. Each offender shall have access to Policy 00-02-301 "The Offender Grievance Process."
- Q. Offenders in protective custody who otherwise would be eligible for an offender work assignment shall be paid state wages at the same rate as similarly situated offenders in administrative segregation or those offenders who are in an idle with pay status in the general offender population of the facility. Offenders who participate in a work program, such as maintenance detail, shall receive the same state wages as other offenders performing similar work assignments.

**VII. OBSERVATION OF OFFENDERS:**

The facility shall ensure that each offender is observed personally by a Correctional Officer assigned to the unit at least every 30 minutes on an irregular schedule. Offenders who appear to be violent, mentally disturbed or who demonstrate unusual or bizarre behavior shall receive more frequent observation. Any offender who appears to be exhibiting suicidal ideation or who has expressed an intention to commit suicide shall be maintained under constant observation until a qualified mental health professional examines the offender. Health Care staff shall thereafter determine the needs of the offender until the offender is no longer suicidal.

Any offender who remains in protective custody for more than 30 days shall be personally interviewed by a qualified mental health professional. The qualified mental health professional shall prepare a report indicating the results of this interview. If the segregation continues beyond 30 days, a mental health assessment by a qualified mental health professional shall be made at least every three (3) months or more frequently, if prescribed by the facility Medical Director.

**VIII. INSPECTIONS:**

The highest ranking custody supervisor on-duty in the facility shall inspect the protective custody unit daily to ensure a safe and efficient operation. The staff person shall:

**ADMINISTRATIVE PROCEDURES**  
**Manual of Policies and Procedures**

Indiana Department of Correction

Number 02-01-107	Effective Date 11/01/03	Page 8	Total Pages 10
Title <b>THE USE AND OPERATION OF PROTECTIVE CUSTODY</b>			

- A. Examine the general cleanliness and security of the unit;
- B. Ensure personal hygiene opportunities are being offered;
- C. Review unit records; and,
- D. Examine all areas in relation to the rights and privileges of the offenders as well as the general operation of the unit.

**IX. STAFF ASSIGNMENTS:**

Staff assignments to a protective custody unit shall be made in the best interest of the staff person and facility operations/security, consistent with applicable provisions of the respective union settlements. To ensure the well being of staff assigned to protective custody units, Unit and Shift Supervisors shall document a review of each staff person assigned to a protective custody unit to evaluate stress factors that may affect the staff person minimally every six (6) months. Unit/Shift Supervisors shall forward the evaluation of the staff person to the Custody Supervisor. Should a review indicate a problem with the staff person, the Custody Supervisor shall bring this matter to the attention of the Assistant Superintendent of Operations. A plan of action shall be developed to ensure that the level of security in the protective custody unit is maintained. Actions may include, but are not limited to: reassignment, a work improvement plan or any other necessary action to correct the situation and maintain the security of the unit/facility.

- A. All staff persons must have had permanent status in a department position before assignment to a protective custody unit. Staff persons who are on probationary status shall not be assigned duties in a protective custody unit. This procedure may be waived for staff at the Maximum Control Facility if staff with permanent status is not available for all positions.
- B. When staff vacancies occur, the Custody Supervisor and the Unit Supervisor shall take into consideration the need to maintain an adequate number of experienced staff in the unit at all times.
- C. Staff positions that become vacant in a protective custody unit shall be filled. Volunteers having the most state seniority shall be given first consideration. The following selection criteria shall apply:
  - 1. Documented satisfactory work performance; and,
  - 2. Conformance with the provisions of the Transfer Articles of the respective union settlements.

**ADMINISTRATIVE PROCEDURES**  
**Manual of Policies and Procedures**

Indiana Department of Correction

Number 02-01-107	Effective Date 11/01/03	Page 9	Total Pages 10
---------------------	----------------------------	-----------	-------------------

Title

**THE USE AND OPERATION OF PROTECTIVE CUSTODY**

If there is an insufficient number of acceptable volunteers, custody operations staff shall be reassigned to a protective custody unit based upon operational needs. Based upon operational and security needs, it may be necessary to deviate from these procedures when assigning staff to a protective custody unit or retaining staff in that unit.

- D. Staff shall be given on-the-job training upon the initial assignment to a protective custody unit. Staff shall be evaluated for the on-the-job performance consistent with State Personnel Department's rules for staff evaluation.

The facility shall develop operational procedures to ensure that each of the above procedures is addressed.

X. MAINTENANCE OF PERMANENT VISITORS' LOG:

Anyone not assigned to work on the protective custody unit who enters the unit, except in emergency situations, shall sign a unit log, including name, date and time. State Form 37621, SEGREGATION UNIT VISITOR'S LOG, shall be used for this purpose. The unit log shall be maintained on the unit until it is filled. It will then be maintained in accordance with applicable records retention schedules.

XI. EMERGENCY RESTRICTION:

A need may arise to restrict an offender from one or more of the previously addressed activities itemized in these procedures. A situation may arise when an offender abuses a particular activity and threatens the safety and/or security of the facility, staff or other offenders. In those cases where an offender is deprived of any activities normally offered, State Form 16050, ADULT SEGREGATION RESTRICTION REPORT, shall be completed. This report shall be forwarded to the shift supervisor for review, approval, signature and appropriate distribution.

When the Facility Head determines that an emergency situation exists as presented in Policy 02-03-102, "Emergency Response Operations," any activities extended under these administrative procedures may be temporarily suspended until the emergency situation is resolved. In such cases, it will not be necessary to advise each offender that these procedures are suspended. When the Facility Head determines that the emergency situation is no longer in existence, any activities suspended due to the emergency shall be reinstated as quickly as possible.

XII. APPLICABILITY:

These administrative procedures shall be applicable to all department facilities housing adult offenders. Facilities without a protective custody or similar unit

**ADMINISTRATIVE PROCEDURES**  
**Manual of Policies and Procedures**

Indiana Department of Correction

Number	Effective Date	Page	Total Pages
02-01-107	11/01/03	10	10

Title

**THE USE AND OPERATION OF PROTECTIVE CUSTODY**

may request the transfer of those offenders in need of protective custody to a facility with such a unit. Any such transfer shall be in accordance with any applicable procedures in Policy 01-04-101, "Adult Offender Classification."

  
Evelyn I. Ridley-Turner  
Commissioner

09/25/03  
Date